

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE: §
§
**HRD CORPORATION d/b/a § CASE NO. 11-36020-H5-11
MARCUS OIL & CHEMICAL,** §
§
Debtor. §

**HRD CORPORATION d/b/a §
MARCUS OIL & CHEMICAL,** §
§
Plaintiff §
v. § **ADV. NO. 11-3390**
§
DR. EBRAHIM BAKERZADEH, §
JPMORGAN CHASE BANK, N.A., and §
COMMUNITY BANK OF TEXAS §
§
Defendants. §

**REQUEST FOR ISSUANCE OF A TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT:

COMES NOW, HRD Corporation d/b/a Marcus Oil & Chemical, Debtor and Plaintiff herein (“Plaintiff” or “Debtor”), and files this Request for Injunctive Relief and Request for Issuance of a Temporary Restraining Order and Preliminary Injunction and, in support thereof, would show the Court:

1. This Application is also made in Adversary No. 11-3390. The allegations contained in the Complaint are incorporated herein by reference for all purposes.
2. There is a substantial likelihood that the Plaintiff will prevail in the Adversary Complaint.

3. The service of the writs of garnishment one day before the filing of this main case has made it nearly impossible for the Debtor/Plaintiff to stay in business. Currently the Debtor/Plaintiff is collecting accounts receivable which are free and clear from all liens. Those funds along with funds provided by the two principals of the Debtor/Plaintiff are being used to continue the business of the Debtor/Plaintiff.

4. The accounts that are frozen by the two writs of garnishment contain over \$1,400,000. These funds are vital to the very survival of the Debtor/Plaintiff.

5. The Debtor/Plaintiff has suffered immediate and irreparable harm because these funds have been frozen. This harm will continue if the funds remain frozen by the garnishment.

6. The Debtor/Plaintiff has no adequate remedy at law.

7. The Debtor/Plaintiff has other creditors who will also be harmed if the Debtor/Plaintiff cannot get access to the funds that are subject to the garnishment.

8. The very purpose of Chapter 11 is to avoid the failure of the Debtor's business caused by a single judgment creditor to the detriment of other creditors.

9. Debtor/Plaintiff requests that the Court enjoin the Defendants in this proceeding from continuing the freeze of the Debtor's accounts, and order that the monies in those accounts be immediately released to the Debtor and that Defendant Dr. Ebrahim Bagherzadeh be granted an replacement lien, with the same priority, extent and validity, if any, as the asserted garnishment lien in and to Plaintiff's accounts receivable in an amount equal to the funds turned over to Plaintiff by Defendants JPMorgan Chase Bank, N.A. and Community Bank of Texas .

10. Debtor/Plaintiff asserts that no bond is necessary beyond the replacement lien described above.

WHEREFORE, PREMISES CONSIDERED, HRD Corporation d/b/a Marcus Oil & Chemical requests that the Court enter a temporary restraining order restraining the Defendants as well as their agents, attorneys, employees and representatives from continuing to freeze the funds in Debtor's bank accounts at JPMorgan Chase Bank, N.A. and Community Bank of Texas and for such other relief to which it may be entitled.

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